

Remarks

This is a complete response to the Office Action mailed June 27, 2006. These amendments and remarks are proper, do not add new matter, do not require additional searching by the Examiner, serve solely to more particularly point out and distinctly claim that which is patentable subject matter, and in particular are not narrowing of scope in response to a rejection over a cited reference.

Rejection Under Sections 102/103

Claims 9, 11, and 14-16 stand rejected as being anticipated by, or in the alternative obvious in view of, Stamos '914.

Claim 9

Applicant reiterates that Stamos '914 neither identically discloses nor teaches/suggests *a backplane support fixed to the backend partition and adapted for operably fixing a backplane to the backplane support* as claimed by previously presented claim 9. Stamos '914 actually discloses fixing the sub chassis 46 against the backplane 42 (sandwiching compression) by attaching the fasteners 60. In particular, Applicant expressly traverses at least the following statement by the Examiner because it is a mischaracterization of what Stamos '914 discloses: "the backplane is securely mounted to both the chassis and backplane support as indicated in col. 3, line 60." (Office Action of 6/27/2006, pg. 8) Even the passage of Stamos '914 cited by the Examiner explicitly states that the backplane 42 is not "securely mounted to both the chassis and backplane support":

Backplane 42 is mounted in chassis 28 by abutting engagement with stop members 40 and proper seating is enhanced by a pair of alignment holes 41 which engage alignment members 29a, 29b. There is no need to otherwise

secure backplane 42 in chassis 28. Upon insertion of sub-chassis 46 into chassis 28, the components 38, 36 plug into their respective connectors 44a and 44b. An additional securing force is provided as described below.

A pair of recessed flanges 50, FIG. 4 are provided on the rear side 32 of chassis 28. A mating pair of aligned flanges 52 are provided on sub-chassis 46. When sub-chassis 46 is inserted into chassis 28, FIGS. 5, 6 and 7, backplane 42 is sandwiched between stop members 40 and sub-chassis 46. Simultaneously, flanges 50 and 52, FIG. 8, are spaced apart by a gap G. As such, when fasteners 60 are used to secure flanges 50 and 52, the gap G provides a clamping force in the direction F, between the sub-chassis 46 and the backplane 42 to secure and stabilize the backplane 42. (Stamos '914, col. 3 line 60 to col. 4 line 10, emphasis added)

Nonetheless, Applicant has amended claim 9 solely in order to more particularly point out and distinctly claim *a removable backend partition...and a backplane fixed in movement with the backend partition....*

Stamos '914 cannot sustain a Section 102 rejection of amended claim 9 because it does not identically disclose all the features of the present embodiments as claimed. That is, the sub chassis 46 in Stamos '914 is removable independently of the backplane 42, because they are not connected together. For this reason Stamos '914 also cannot sustain a Section 103 rejection of amended claim 9 because it does not teach or suggest all the features of the present embodiments as claimed.

Accordingly, reconsideration and withdrawal of the rejection of claim 9 and the claims depending therefrom are respectfully requested.

Rejection Under 35 USC 103

Claims 1, 2, 4-8, 12, 13, 17, and 18 stand rejected as being unpatentable over

Stamos '914 in view of Fraley '766.

Claim 1

The cited references cannot sustain a Section 103 rejection of amended claim 1 because they do not, neither alone nor in combination, teach or suggest *a backend partition that is removable...a backplane fixed in movement with the backend partition....* as claimed. Only Stamos '914 teaches a removable sub chassis 46, but as discussed above it is removable independently of the backplane 42, because they are not attached together. Fraley '766 is wholly silent regarding a removable backend partition. Reconsideration and withdrawal of the present rejection of claim 1 and the claims depending therefrom are respectfully requested.

Claim 17

The Examiner has failed to substantiate a prima facie case of obviousness for the Section 103 rejection of previously presented claim 17, for lack of evidence in the record that the cited references, alone or together, teach or suggest attaching a backplane to a leading end of a backend partition as claimed.

Nonetheless, Applicant has amended claim 17 solely in order to more particularly point out and distinctly claim that which is patentable subject matter. Amended claim 17 explicitly recites ordering of the steps: *attaching a backplane to a leading end of a backend partition...subsequent to the attaching a backend partition, inserting the backend partition in the backend opening...* This more particularly distinguishes over Stamos '914 which only even contactingly engages the sub chassis 46 against the backplane 42 after inserting the sub chassis 46 in the backend opening. Reconsideration and withdrawal of the present rejection of claim 17 and the claims depending therefrom are respectfully requested.

RECEIVED
CENTRAL FAX CENTER
SEP 27 2006

Conclusion

This is a complete response to the Office Action mailed June 27, 2006.

Applicant has also filed herewith a Request for Telephone Interview, to be held before the Examiner makes the next action on the merits, to address all unresolved matters.

Should any questions arise concerning this response, the Examiner is encouraged to contact the below listed Attorneys.

Respectfully submitted,

By:


Mitchell K. McCarthy, Registration No. 38,794
Randall K. McCarthy, Registration No. 39,297
Fellers, Snider, Blankenship, Bailey and Tippens, P.C.
100 N. Broadway, Suite 1700
Oklahoma City, Oklahoma 73102
Telephone: (405) 232-0621
Facsimile: (405) 232-9659
Customer No. 33900